



Entered on Docket
December 11, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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ATTORNEYS FOR USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

**ORDER GRANTING MOTION
TO ESTABLISH DISPUTED
CLAIM RESERVE**

Hearing Date: December 5, 2007

Hearing Time: 9:30 a.m.

Snell & Wilmer

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LAW OFFICES
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1 The Court having considered the Motion to Establish Disputed Claim Reserve [Docket
2 No. 5250] (the "Diversified Motion") filed by USA Capital Diversified Trust Deed Fund, LLC
3 ("Diversified"), the Response and Objection to Motion to Establish Disputed Claim Reserve
4 [Docket No. 5381] filed by the Margaret B. McGimsey Trust, Bruce McGimsey, Jerry
5 McGimsey, Sharon McGimsey, and Johnny Clark, Reale's Opposition to DTDF's Motion to
6 Establish Disputed Claim Reserve [Docket No. 5386] filed by Salvatore J. Reale, and the Reply
7 to Salvatore J. Reale's Opposition to Motion to Establish Disputed Claim Reserve [Docket No.
8 5412] filed by Diversified, the Diversified Motion having come on for hearing on December 5,
9 2007 at 9:30 a.m., Diversified having appeared through its counsel Jeffery Hermann, Esq. and
10 Marc Levinson, Esq. of Orrick, Herrington & Sutcliffe LLP, and Mr. Reale having appeared
11 through his counsel, Michael Newman, Esq., of Gerrard, Cox, & Larsen, and good cause
12 appearing;¹

13 For the reasons set forth in the Diversified Motion and based upon the findings and
14 conclusions placed upon the record by the Court at the conclusion of the hearing on the
15 Diversified Motion, which such findings and conclusions are incorporated herein, and good and
16 sufficient cause appearing therefore;

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28 ¹ Terms not otherwise defined herein shall be as defined in the Diversified Motion.

1 IT IS HEREBY ORDERED that pursuant to the Reserve Procedure set forth in the Plan
2 and pursuant to Bankruptcy Code §502(c), no reserve is required for either the Reale Proof of
3 Claim or the McGimsey Proof of Claim, thus permitting the \$3 million distribution to Diversified
4 members described in the Diversified Motion to go forward.

5 Dated this 7th day of December, 2007.

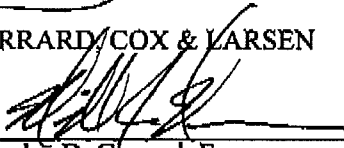
7 The court has waived the requirement of approval under LR 9021.

8 No parties appeared or filed written objections, and there is no trustee appointed in the case.

9 I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
10 unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and
11 each has approved or disapproved the order, or failed to respond, as indicated below:

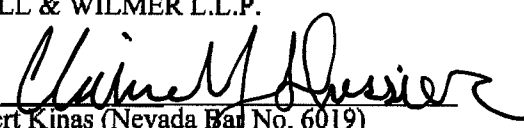
12 APPROVED / DISAPPROVED:

13 GERRARD/COX & LARSEN

14 By: 
15 Douglas D. Gerrard, Esq.
16 Sheldon A. Herbert, Esq.
17 Michael J. Newman, Esq.
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Attorneys for Salvatore J. Reale

18 Respectfully submitted,

19 SNELL & WILMER L.L.P.

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